

**Report to
Legislative Council Rules Clearinghouse
NR 16 Wis. Adm. Code
Natural Resources Board Order Number WM-13-15**

Wisconsin Statutory Authority

The department is directed by s. 90.21 Stats., the chapter that establishes laws on fences, to establish requirements for fences which are used to confine farm-raised white-tailed deer.

Federal Regulatory Analysis

New regulations in 9 CFR Parts 55 and 81, for herd health certification and interstate movement of captive cervids are in effect and all cervid farmers wishing to remain in the herd status program will be required to meet all of the new rules and regulations by December 10, 2015. Federal requirements include double identification for all deer on the premise and a complete physical census conducted by an approved veterinarian of all captive herds. Wisconsin's Department of Agriculture, Trade & Consumer Protection has adopted similar rules as necessary for consistency.

Comparison with Adjacent States

Wisconsin's surrounding states have comparable regulations for deer farming because of the overarching federal regulations which are in effect nationally.

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

These rules will establish a way for certain deer farmers to legally and safely maintain ownership of their animals following changes to federal and state regulations which are effective beginning on December 10, 2015.

These rules would eliminate the requirement for white-tailed deer farms to comply with either of the following as a condition of their fence certificate: 1) enrollment in the chronic wasting disease herd status program which is administered by the Department of Agriculture, Trade, and Consumer Protection or, for farms greater than 80 acres in size, 2) testing 10% of deer that die annually and submit those results to the natural resources department.

The Department would still issue fence certificates, which would indicate whether a facility was enclosed by a single fence, doubled fence, or solid fence, according to standards already established in NR16. The chronic wasting disease and other testing requirements established under ATP 10 would still be in effect. Farms not participating in the herd status program administered by agriculture department would not be allowed to export live deer.

Agency Procedures for Promulgation

The agency will hold hearings in March and request adoption by the Natural Resources Board. The agency will then obtain the governor's signature and submit the rules to the legislature for review.

Description of any Forms

None.

Name and Telephone Number of Agency Contacts

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